

REAL ESTATE PLAN:

Navigation Improvements Project Port Lions, Alaska

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Project Summary: The draft feasibility report for this project is scheduled for completion in January 2004. The proposed project will modify the existing Port Lions Harbor within Settler Cove, off Kizhuyak Bay, on the north coast of Kodiak Island, which was constructed in 1983 under local cooperation with the City of Port Lions. The proposed project, with the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) as the Local Sponsor, includes the following Federal General Navigation Features (GNF): construction of a three-segment rubblemound breakwater; extending the western shoreward end of the existing main breakwater; and for additional fill material on the northern side of the existing stub breakwater. Although there are no new Local Service Facilities (LSF) included in the proposed project, the sponsor will be required to repair or replace portions of the existing inner harbor facilities. The new breakwater construction, and modifications to the existing breakwaters, will provide additional wave protection, and reduce damages to vessels and inner harbor facilities.

Real property interests required for the project: The Non-Federal sponsor, the ADOT&PF, will be required to provide all lands, easements, and rights-of-way (LER) necessary for access, construction, and operation and maintenance of the project, if needed. The Government's dominant right of navigation servitude will be exercised for project tidelands below the Mean High Water (MHW) line. Therefore, there are no known estates required for this project given that construction is to be accomplished from marine equipment within Settler Cove. The sponsor will only be afforded any credit for the value of the LER, should an unforeseen need of uplands arise. Should uplands be required, the sponsor will then be obligated to acquire such lands in accordance with Public Law 91-646, as amended.

Current Ownership: The tidelands within Settler Cove are owned by the State of Alaska, and managed by the State Department of Natural Resources, with the U.S. Fish and Wildlife Service, Alaska Maritime National Wildlife Refuge having oversight responsibilities. The Alaska Division of Lands State 'Status Plats' for the harbor area are annotated with 'PER TDL ADL 206501 APN', and the State issued a 'Letter of Entry' to the City in 1980 for construction of the existing breakwaters. The State recently advised the City that they should apply for conveyance of the tidelands within their Corporate Boundary under Alaska Statute 38.05.825. The City of Port Lions and private residents own the uplands adjacent to the harbor.

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Improvements: The two (2) existing breakwaters were built under the Federal GNF of the original harbor project. No in-water boundary was defined for the existing project. The ADOT&PF installed vessel moorage facilities and three floating breakwaters. The City filled in a portion of the tidelands to the west of the existing breakwaters for harbor access.

Summary of Required Real Estate Interests:

Federal - General

<u>Navigation Features (GNF)</u>	<u>Acres</u>	<u>Owner</u>	<u>Interest</u>
New three-segment Breakwater			
Existing Breakwater Extension			
& Stub Breakwater Additional Fill	22.53	State	Navigation Servitude

Map: A map depicting the real estate required for the navigation improvements project is shown as Attachment 1.

Relocation assistance benefits: No persons or businesses are to be displaced by this project. Therefore, no relocation assistance benefits under Public Law 91-646 will be required for this project.

Potential flooding, induced by construction, operation or maintenance of project: No known flooding should occur due to the planned harbor navigation improvements.

Mineral activity: There is no known mineral activity occurring within the lands required for the project.

Relocation of roads, facilities, or utilities: There are no known relocations anticipated.

Hazardous and Toxic Waste (HTW): There are no known hazardous and/or toxic waste within the tidelands required for the project.

Baseline Cost Estimate: Estimated administrative costs are shown below. A gross appraisal or informal estimate of lands was not needed for the project because construction will be accomplished under the Governments rights of navigation servitude.

	<u>Federal</u>	<u>Non-Federal</u>
Lands	0	0
Administrative Costs	\$1,000.00	0
TOTAL Real Estate Costs	\$1,000.00	\$ 0

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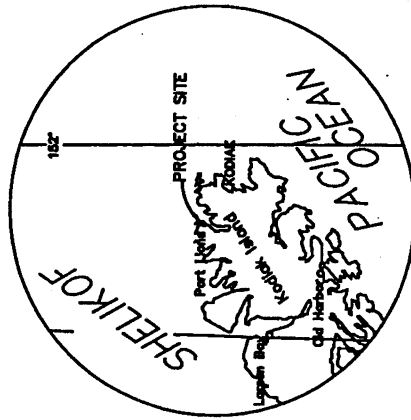
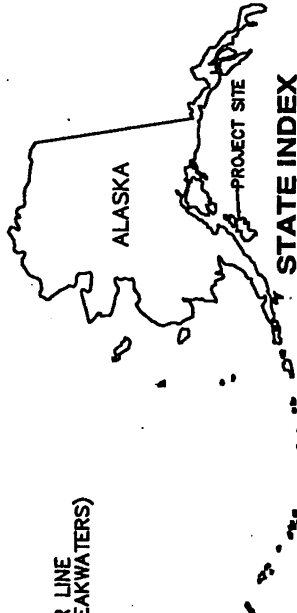
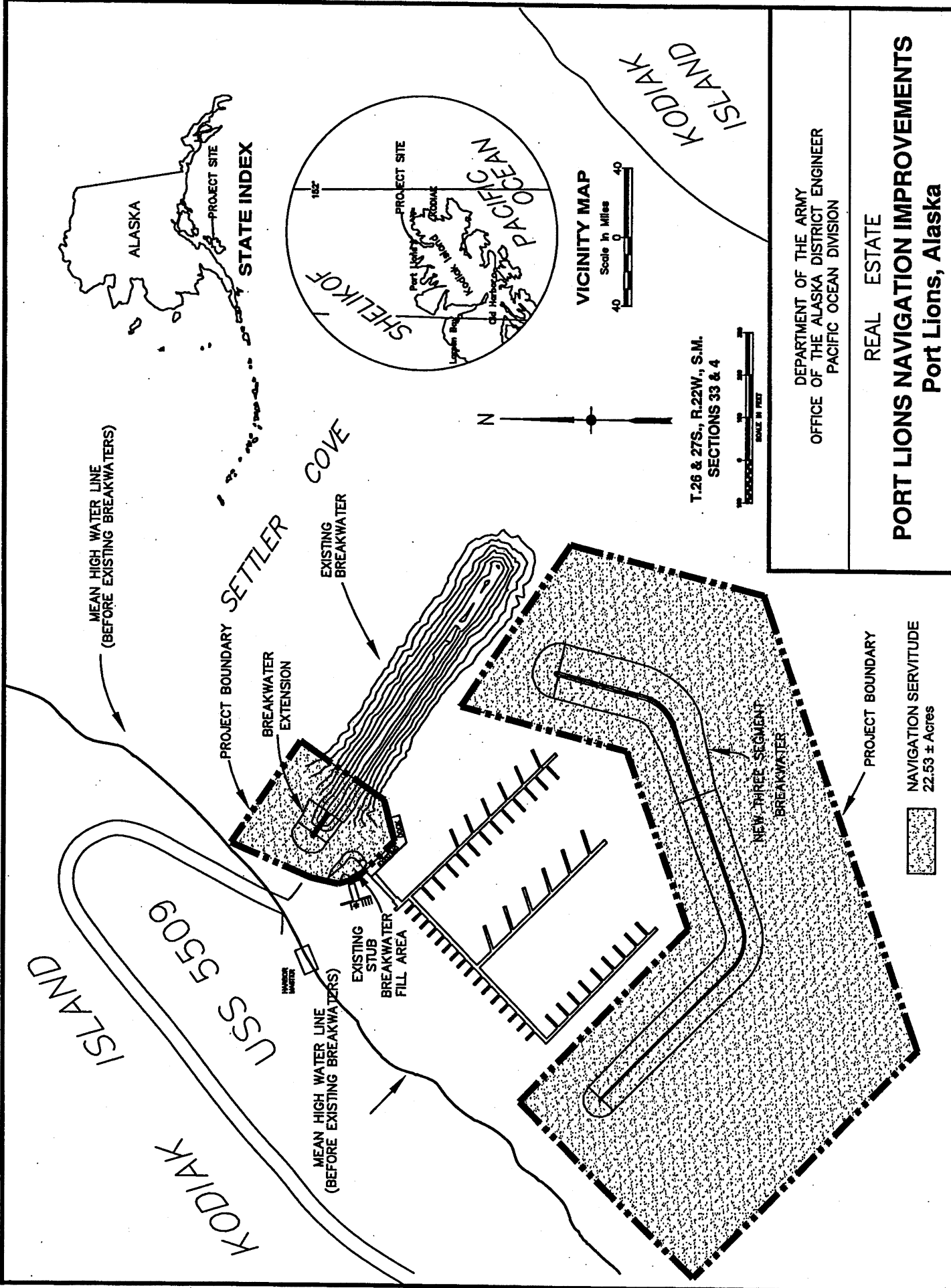
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Schedule: No schedule was prepared since the Governments right of navigation servitude will be used for this project construction.

Known or Anticipated Support or Opposition to the Project: There is strong support for the project from the community of Port Lions, and no known opposition.

Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability: Is shown as Attachment 2.



T.26 & 27S., R.22W., S.M.
SECTIONS 33 & 4



DEPARTMENT OF THE ARMY
OFFICE OF THE ALASKA DISTRICT ENGINEER
PACIFIC OCEAN DIVISION

REAL ESTATE

PORT LIONS NAVIGATION IMPROVEMENTS Port Lions, Alaska

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY**

NAVIGATION IMPROVEMENTS PROJECT, PORT LIONS, ALASKA:

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I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? Yes
- b. Does the sponsor have the power of eminent domain for this project? Yes
- c. Does the sponsor have a "quick-take" authority for this project? Yes
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? No
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? No

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? No
- b. If the answer to IIa is yes, has a reasonable plan been developed to provide such training?
N/A
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? Yes
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load if any, and the project schedule? Yes
- e. Can the sponsor obtain contractor support, if required, in a timely fashion? Yes
- f. Will the sponsor likely request USACE assistance in acquiring real estate? No

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? Yes
- b. Has the sponsor approved the project/real estate schedule/milestones? Yes

ATTACHMENT II

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY**

NAVIGATION IMPROVEMENTS PROJECT, PORT LIONS, ALASKA:

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IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? Yes
- b. With regard to this project, the sponsor is anticipated to be: **highly capable/**
fully capable/moderately capable/marginally capable/insufficiently capable.

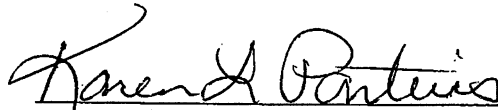
V. Coordination:

- a. Has this assessment been coordinated with the sponsor? Yes
- b. Does the sponsor concur with this assessment? Yes

SOURCE:

Vic Winters
State of Alaska DOT&PF
Statewide Harbor Engineer
Phone 907-465-3979

Prepared By:

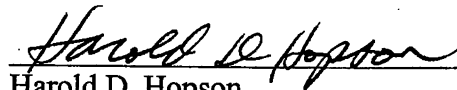


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